

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARLSON ENTERPRISES, INC.,

Plaintiff,

vs.

ACUITY INSURANCE COMPANY,

Defendant.

8:18-CV-396

ORDER

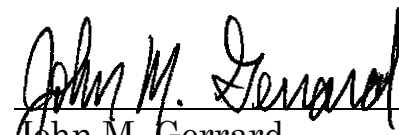
This matter is before the Court on the plaintiff's Motion for Default Judgment ([filing 8](#)) as to defendant, Acuity Insurance Company. The Court will deny the motion without prejudice, because it is premature. Under [Fed. R. Civ. P. 55](#), an entry of default must precede the entry of a default judgment. *Tollefson v. Pladson*, 508 Fed. Appx. 593, 595 (8th Cir. 2013); *Hagen v. Sisseton-Wahpeton Cmty. Coll.*, 205 F.3d 1040, 1042 (8th Cir. 2000); *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 783-84 (8th Cir. 1998); *Webster Indus., Inc. v. Northwood Doors, Inc.*, 244 F. Supp. 2d 998, 1003 (N.D. Iowa 2003). Accordingly,

IT IS ORDERED:

1. The plaintiff's Motion for Default Judgment ([filing 8](#)) is denied without prejudice.
2. The Clerk of the Court is directed to enter the default of defendant Acuity Insurance Company pursuant to [Fed. R. Civ. P. 55\(a\)](#) and [NECivR 55.1\(a\)](#).

Dated this 20th day of September, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge